(31)

(6)

G. R. S. 58]
Previous references.

File No. 146-10

19 10.

Serial Nos. 1-2

(Courts)

Later references.
B. C. 140-13 (1-2).

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2.

Part B for Mayo

SUBJECT.

Revised copying rules.

1. From the Regr. Chief Court no 2681/172 D 9-12-10.
Forwards for the sanction of Govt a draft of revised copying rules -
2. To the same officer - no J 3244 D 23-5-11.
Approves the draft with certain modifications -

GPB—5,000—22-10-10

G.R.S. 11] 1910.

GENERAL AND REVENUE SECRETARIAT

(Courts)

NOTES.

Cts File No. 146-10

FILE HEADING.

Revised Copying rules

From The Registrar, chief Court of Mysore

No. 2681/172 Dated 9/10-12-10 Received 12-12-10

Diary No. 11592 Enclos. 3 Spare Copies { Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for the sanction of Govt a draft of revised Copying rules as the rules at present in force, are out of date and defective in many respects.

1

NOTES AND ORDERS.

The rules at present in force are printed on pages 31 to 41 of the Civil Digest. The main points of difference between these rules & the draft rules are set forth in the Registrar's letter. Submitted with a copy of the Civil Digest & the ~~papers~~ file (cb 239-08)

13/1

NOTES—First sheet.

GPB—15,000—24-4-09

Serial No.

re the introduction of the Madras system of copying fees, is also herewith put up.

C&R 139). 16/12/10

SW-11 17/12/10

2 The draft rules may be approved. The chief changes effected are explained in the Registrar's letter.

3 So far as copies are concerned the distinction between authenticated and unauthenticated copies is abolished all copies being required to be certified.

4 Sec 3 of the Court Fees Reg^n requires that all copies furnished by a public offcr should be stamped, if they are of the description of the documents mentioned in the Schedules. (Vide Schedule I. "Copies"). It is stated in the Chief Court letter that the stamp leviable on copies intended for private use is remitted. Vide Govt notification No 343 dated 26th March 1884. Marg Q. No reference is made to this point.

2nd C. 5 5/1/11 SD

P.S. The new rules

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

not seem to take away the right now enjoyed by parties of having "private" copies stamped whenever the necessity for doing so arises. All that they have to do is to affix the proper stamps before presenting the copies in the Courts or other public offices.

5/1/11.

2nd Cl.

1200.

No new notification.

6 Is there any Notn of Govt under S. 42 of the Regn remitting Court fees on copies for private use? Or is the old Notn of 1884 still in force? If not we shall have to publish such a new Notn. A statement in the "Copy" rules would not be sufficient, as S. 3 prohibits public officers from furnishing any copies without stamps.

6/1/11

In other respects, the

(Please see Sec 24 of the Annual Clauses Act 1899).

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

Rules are all right and may be sanctioned.

8 Does this proposal mean that the Ch. Court has given up the idea of providing Stamped papers for Copies? Is there any proposal for this purpose pending with us in connection with the last Bangara Subjects?

6/1/11

9 No. A note by the Judges of the Chief Court on the desirability of introducing stamped Copying Sheets, has since been received & and is under submission separately.

Hcs (122) 10-1-11.

10 Please verify the answers I have noted in the margin and send up.

7/1/11

Cts (11)

Subd, the answers being ~~disagreed~~ as noted in the margin above.

Hcs (122) 10-1-11.

SN (11) 11/1

12 The note on Stamped Copying Sheets sent by the Ch. Ct. is in the file below. If that System is adopted some slight change in the draft rules now under consideration will perhaps be

Serial No.

necessary but this does not seem to stand in the way of our approving them now.

SH

14/1/11

2nd C/ 13

These rules may be passed.

H

13/1/11

Dewan

9769

17.1.11

(14)

I agree generally. SH 18/1/11

2 In rules 11 (vii) the words are "the examiner". But rule 25 would provide for more than one examiner. The latter appears to be a mistake perhaps by enacting in rule 25 that when there are more than one, one of them may be substituted as the examiner; or in rule 11 it should be stated that the Chief Minister or Minister shall select the examiner in each case.

3 In rule 13 I understand the

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

C/o File No. 146 of 1900

Serial No.

The "paper of suitable quality" is to be supplied by Govt. In that case it will be well to specify the quality of paper if possible & be inserted, as a number of pages is fixed, & each object to it is desirable to fix the number of lines per page also. It is also necessary that the lines should not be too much crowded. The number of lines per page may be fixed at not less than & not more than for MSS, & left to discretion in each particular matter.

5 In rule 13 the rate is given as 1 anna 8 pies. Why not make it 1 anna 9 pies? Otherwise there will be pies to count in all cases in which the number of words is not a multiple of 30. The division of 1 anna & pies between Govt & Board of Agriculture may be 3 & 15 pies respectively (instead of 4 & 14) & we shall then have a better class of applicants; & the better the applicants the less will there be for enquiry & rejection.

NOTE—Contn. sheet.

GPB—55,000—27-4-99

Serial No.

Do — As maybe laid down that in Rule 25 (preference shall be given to typewriters —

[~~H.C.S. Please bring up in person after Careful Study~~]

15/4

U.O. 928

Forwarded to the Registrar of the Chief Court for favour of the opinion of the Court being recorded on the above points.

B. O.

Secy. to Govt

for Sec. to Govt

22/2/11.

22. 2. 11

Serial No.

15

The words 'and Examiners' in Rule 25 are copied from the present rule. Strictly speaking the expression is not correct because there cannot be more than one Examiner for each Court and Sanctions (Rule 17) there is no separate Examiner at all. The rule might run thus:- "a fair number of Copyists and an Examiner (where necessary) &c.

16) The Durable paper referred to in rule 13 is supplied by the Copyists not by the Government.

17) It is hoped that the rules may be regarded as tentative only pending the introduction of stamped copying paper. When this paper is introduced each sheet will be ruled and the number of words on each sheet will be 100 or 150 according to the value of the paper. I would leave the remuneration as it is at present. The rules will be finally revised as soon as the cost of the stamped paper has been ascertained.

18) The words 'and proficiency' should be given to Candidates who are proficient in typewriting only, if considered, be added in Rule 25.

Chief Judge.

23/11/11

The file is retransmitted with the

III 1/1 ... 1911 ... 3943 / 252 ... 1938.

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Cts. File No. 146 of 1910-11.

7

Serial No.

Chief Judge's remarks. The other Judges have no separate remarks to make.

Let a draft be submitted

28.2.11. Registrar, Chief Ct.

Subd for orders. Additions and alterations as suggested above, have been made in Rule 25 in red ink.

Stcg (122)
3.3.11.
SW (1)
4.3.11

Put up draft approving.

SB

Ch
4/3/11

Draft Subd.

Stcg (122) SW
6-3-11. 6/3

Draft in accordance with the Chief Judge's remarks is put up.

6/3/11. SB

Secy

2nd Secretary

9643.

Secy

Approved
7/3/11

Note—Contn. sheet.

10568
16.3.11

GPB—50,000—12-8-10

7/3/11

G. R. S. 12]
General and Revenue Secretariat.

CS File No. 146 of 1910-11

Serial No.	
	Issue
	CS 18/5/11
	SH 18/5/11
2	To the Registrar, Chief Court. No 3244 & 23.5.1911. Approves of the Rules with certain additions and alteration

NOTE—Contn. sheet.

GPB—50,000—12-8-10

SUBJECT No. 48.

Arrangement of the civil court records.

Mr. H. Gundappa, Kunigal Taluk.

Summary of discussion.—The new system of arranging the civil court records according to the date of final order causes considerable inconvenience. It is requested that the old method of having them arranged in the order of numbers of cases be revived.

Mr. C. Krishnamurti pointed out the difficulties involved in the new method of arranging civil court records according to the date of disposal.

Reply of Government.—The Chief Court are going to direct that the court staff shall note the date of disposal on the application for copies where this information is not furnished by the party himself. The matter is under the consideration of the Chief Court in connection with the revision of copying rules.

Subd for order. This may perhaps be filed with the connected papers.

HCS (122) SW (11)
6-5-11

Yes
Sd
4/5/11

12

SUBJECT No. 44.

Grant of authenticated copies of records without affixing stamps.

Mr. Lingappa, Harihar Sub-Taluk.

Summary of discussion.—Authenticated copies of civil, revenue and criminal records may be ordered to be given on plain paper. If the party taking such copies desires to present them in a court, he may be required to affix the necessary stamps to the said copies before they are admitted in the court. This practice will put an end to the present difficulty in obtaining a second set of copies. Further, the Government does not lose its stamp revenue. This procedure is in force in the Bombay Presidency.

Reply of Government.—Proposals for new rules are awaited from the Chief Court.

Subd. The new Rules submitted by the Chief Court are under the Consideration of Govt. ~~Cases before the~~ Copies given on other than three pice paper are not admissible in the Courts even when they are stamped. There distinction between authenticated and unauthenticated Copies has been done away with in the new rules and provision has been made for the grant of private Copies on plain paper of durable quality. Subd for orders

× Before the Dewan

Kept this in the Connected file

6/5/11

Acs. (22)
6/5/11 SW(11)

6/5/11.

No. 2681/172 Jud. 3.

J 1592

ch 146-4-1

Chief Court of Mysore,

Bangalore dated, 9th December 1910.

1045

From,

V.A.Rajaratna Mudaliar Esq.,

Registrar, Chief Court of Mysore.

To,

C.S.Balasundaram Iyer Esq.,

Offg: Secretary to Government,

General and Revenue Departments.

Sir,

I am directed by the Judges of the Chief Court to forward for the sanction of the Government a draft of revised copying rules. The rules at present in force (Civil Digest pp 31 to 41) are out of date and in many respects defective.

2. It is proposed to abolish so much of rule 2 as requires a deposit of 8 annas. This appears to be a Bombay rule but it is very unmeaning and increases the work of the Nāzir very unnecessarily. It is the business of the Examiner to inform the applicant what his copy will cost.

3. It is provided that when the application does not show the date of disposal of the connected record this date shall be noted by the Court before the application is pas-

sed

sed on to the Examiner.

4. The note to rule 6 (a) has been omitted. It is borrowed from the Calcutta rules but in practice it is found to hamper the pleadings.

5. In lieu of the note in inverted commas on page 34 of the Digest, which is a constant source of embarrassment to Courts of appeal the Central Provinces rule has been adopted. Under this rule a date is always fixed on which the applicant shall appear to receive his copy; this date is entered in the Receipt for copying charges which is given to the applicant.

6. The deposit of Court Fees in the first instance will not be insisted on. Copying and stamping are perfectly distinct matters and copyists are not in any way concerned with the question of stamping. When the copy is ready for delivery it should then be optional with the applicant whether to stamp it or to take it as a copy for private use only.

7. All distinction between authenticated and unauthenticated copies will be abolished. The present rules were borrowed originally from Madras but in Madras the distinction was done away with many years ago. As a matter of

fact

fact our rules are in this respect somewhat peculiar. Under the proviso to rule 13 an unauthenticated copy, which is made on paper supplied by the Copyists, may be stamped and certified but, though stamped and certified, it cannot be filed in any Court for the reason that it is not written on three pies paper.

8. The forms of the Register of applications for copies and of the endorsement to be made on such copies have been revised. A form of Receipt has also been prescrib ed.

9. The draft rules have been submitted to selected members of the Bar and have met with their approval.

I have the honour to be,

Sir,

Your most obedient servant,

B.V.

REGISTRAR.

Copies and Copyists.

1. Every application for a copy shall be made to the Judge of the Court in which the record containing the document is. When such record has been despached to the Central Record Room the application shall be forwarded to the Officer in Charge and it shall thereupon be the duty of that Officer to inform the Court what fees are required for the copy. When the requisite fees have been forwarded to the Officer in charge of the Central Record Room the copy shall be made without delay and shall be sent by post to the Court for delivery to the applicant. If the applicant so prefers the application may be endorsed as admissible and returned to the applicant for presentation to the Officer in charge of the Central Record Room. Any fees received at the Central Record Room shall at once be credited in the Cash Book of the Officer in charge and shall be retained by the Nazir pending payment to the Copyists or return to the applicant.

2. The application shall be presented by the applicant in person or by his pleader, or by his pleader's registered gumasta, to the Head Ministerial Officer or such other Officer as the Court may appoint for this purpose, between the hours of 11 A.M. and 3 P.M. Every application shall set out :-

(a) the name of the applicant and his position (if any) in the suit or proceeding; also the name of his pleader and of his pleader's registered gumasta (if any);

(b) the description of the document of which a copy is required; and

(c) whether the copy is to be made on three pies paper or on ordinary paper.

3. Any application not containing the particulars required to be specified under rule 2 is not to be admitted until it is amended in respect of the matters in which it is defective.

4. Parties to a suit are entitled at any stage of the proceedings

proceedings to obtain copies of the record of the suit, including Exhibits which have been admitted in evidence.

5. A stranger to a suit may after decree obtain as of course copies of the plaint, written statements, affidavits and petitions filed in the suit and of the depositions of witnesses and may, for sufficient reason shown to the Satisfaction of the Court, obtain copies of any such documents before decree.

6. A stranger to a suit may also obtain as of course copies of judgments , decrees or orders at any time after they have been passed or made.

7. A stranger to a suit wishing to obtain copies of exhibits admitted in evidence must apply by petition specifying the purpose for which such copies are required, and the Court may order the grant of the same,

8. Copies of the Judge's minutes, of correspondence not strictly judicial and generally of any confidential proceedings will not be granted.

9. When any party to a suit applies for a Kanarese translation of a decree which has been drawn up in English, such translation shall be granted on payment of the ordinary copying fees.

10. Where any doubt arises as to whether the document, of which a copy is applied for, is one of which a copy can or ought to be granted the Head Ministerial Officer or other Officer as the case may be, shall obtain the order of the Judge. If the application is refused by the Judge it will be returned to the applicant with the order of refusal endorsed thereon.

11. As soon as an application is admitted it shall be passed on to the examiner and shall be entered in the Register of applications for copies. Where any application shows the date of institution but not the date of disposal of the connected /

record

by the officer receiving the application and will be record the latter date will be ascertained, and noted on the application before it is passed on.

12. When an application has been registered the record shall at once be obtained by the examiner from the Record-keeper or clerk in whose possession it is and the applicant shall be informed as soon as practicable of the amount of fees and of the cost of paper (if any) required for the copy. He shall also be informed that the preparation of the copy will not be put in hand until the full amount of The fees and costs has been paid.

13. Copying fees shall be calculated at the rate of one anna and eight pies for every hundred words or fraction thereof, (whether English or Kanarese), five figures being taken as equivalent to one word. The term 'fees' includes fees forexamining the copy; also the cost of writing materials and (except when the copy is made on three pies paper) the cost of the paper whic should be of a durable quality.

14. In calculating the amount of fees chargeable it is not necessary to count all the words to be copied. It will be sufficient to compute their number as nearly as possible. Any additional fees required may be called for afterwards and any excess fees will be refunded to the applicant. Where the copies applied for are of maps, plans or geneological trees they shall be prepared by skilled labour. A reasonable fee (proportionate to the skill, labour and time occupied in preparing the copy) shall in each case be fixed by the Court and deposited in cash by the party applying, in the same manner as for a commissioner under the Code of Civil Procedure, and the whole of such fee shall be paid to the person employed in preparing the copy, he suplying his own materials. Such copies may be prepared by licensed copyists if in the opinion of the Court they are competent for the work.

15. All fees etc., deposited shall at once be entered by the examiner in his register and a receipt in the prescribed form shall be filed ~~in~~ the form

form shall be filled in and made over to the applicant. At the same time the examiner shall fix and intimate to the applicant a date not exceeding ten days ahead on which he should attend to ascertain whether the copy is ready or whether any further advance is required. Should the copy not be complete on the date so fixed the applicant shall be directed to attend on another date not exceeding ten days from the first date and so on. The successive dates on which the applicant is told to attend and on which he attends shall be entered on the receipt.

16. The preparation of copies shall, as far as possible, be undertaken in the order in which the applications are made, but precedence shall be given to the preparation of copies which are urgently required for the purpose of instituting suits, appeals or other proceedings or for the purpose of pending suits appeals or other proceedings.

17. When the copy applied for has been prepared by the copyist it shall be compared by the examiner aided by a reader who may be a copyist, but in no case shall a copy be read to the examiner or the examiner be in any way assisted by the copyist who prepared the copy. If in any Court the realizations from fees do not admit of a separate examiner being appointed, the best qualified of the copyists will be selected for this work. No copies will be examined by any salaried official of the Court nor shall such official receive any remuneration therefor.

Note. For the purpose of this rule 'fees' include fees realized in connection with Criminal cases.

18. The system of dividing the total amount of earnings of the several copyists attached to a Court equally among them irrespective of the quantity of work done is prohibited. Each copyist and examiner will receive only what is actually earned by him. The Officer in charge of the copying establishment shall be responsible for the work of copying and that of reading t t

the

the examiner being distributed equally among the licensed copyists. No person who is not a licensed copyist shall be employed in the preparation of copies, and in order to insure legible writing not more than 15 pages should as a rule be given daily to each copyist. The fee of one anna and eight pies realized under Rule 13 shall be appropriated as under :-

Copyist 16 pies/Examiner 4 pies.

At the close of each day all Records and all undelivered copies shall be taken back from the copyists and secured for the night by the Head Ministerial Officer or such other officer as the Court may direct in that behalf. Fees paid by applicants should remain in charge of such officer of the Court as may be deputed for the work and should on no account be made over to the copyists.

19. When a copy is ready it shall before delivery be certified and sealed in the manner prescribed by section 76 of the Evidence Act. The certificate that it is a true copy shall be signed by the Head Ministerial Officer who shall initial every alteration or correction. The practice of making erasures by scratching out or otherwise effacing words is strictly prohibited. Corrections should be made by drawing a pen through the word to be cancelled and by writing the substituted word above the word so cancelled. If the copy has been made upon three pies paper the Head Ministerial Officer shall at the same time record the requisite Court fees unless the copy is required for private use in which case the fees chargeable on copies are remitted. Court fee labels shall be affixed to the first page of the copy and shall be cancelled by punching out with a square punch a portion of each label in such a manner as to remove neither the figure head not that part of the label upon which the value is expressed. The copy (if stamped) shall then be passed on to the clerk in charge of the Daily Register of Court fees who will make the necessary entries in his register and return the copy

fee

for

for delivery to the applicant.

In the case of copies issued by the Officer in charge of the Central Record Room a similar procedure will be observed.

20. When copies have been delivered the records shall at once be returned to the Record keeper or clerk from whom they were obtained.

21. Copies will be delivered to the applicants concerned between the hours of 11-30 A.M., and 3 P.M. If the copies or any unexpended fees are not claimed within 12 months from the date on which the copies were ready for delivery such copies shall be destroyed by or in the presence of the Judge and any unexpended fees will be credited to Government, a note to that effect being made in the Register of applications for copies. The said fees should be drawn on cheques from the Nazir's personal deposit account and credited by transfer to XIV A. Law and Justice, (4) savings and refunds.

22. Every copy shall bear an endorsement showing the following particulars :-

(1). Copy applied for on the

(2). Applicant told to appear on the

(3). Applicant appeared on the

(4). Copying stopped for want of funds on the

(5). Second and subsequent advances paid on the

(6). Copy ready on the

(7). Copy delivered on the

(8). Copied by

(9). Examined by

(10). Copying charges.

The dates referred to in this rule shall be expressed in figures not in words and all corrections shall be properly attested. When certifying a copy the Head Ministerial Officer shall satisfy himself that these entries have been correctly made.

23. In case any applicant shall desire to have his copy sent to him by post the copy can be forwarded by registered ~~post~~ packet if the required charges are available, otherwise by post bearing. In every such case 'Copy posted' shall be substituted for 'Copy delivered' on the endprsement referred to in rule 22 and in columns 13 and 14 of the Register of applications for copies the date of despatch will be entered and the signature of the despatching clerk taken.

24. The presiding Judge of each Court shall examine the Register of applications for copies at least once a month, particular attention being paid to ascertaining that applications for copies are complied with without any undue delay, that charges for copying and examining are properly levied, that no excess fees are charged and that the copying work is so distributed as to ensure, as far as possible, an equal income to all the copyists.

25. A fixed number of copyists and an examiner (where necessary) will be appointed by the ~~©~~ presiding Officer of each Court. The number should be so regulated as to ensure for each copyist a monthly income of not less than Rs: 10 and for an examiner not less than Rs: 12. As a rule no one should be appointed as a copyist unless he is a passed candidate acquainted with English and Kanarese and is able to write a good hand, and preference should be given to Candidates who are proficient in type-writing.

26. The Judge of every Court subordinate to a District Court shall, at the commencement of each quarter, submit a statement showing the names of copyists employed in his Court, the amount of fees earned by each, the number of applications received, the number disposed of and the number pending with the date of the oldest pending application. Any marked difference in the sums earned by different copyists and any undue delay in the disposal of applications should be explained in the column of remarks. The District Judge will forward the statements to the Chief ~~©~~ Court

Court together with a similar statement for his own Court.

27. If the Judge finds that there is more work that can be performed without undue delay by the copyists attached to the Court he may increase the number. If the fees ~~calculated~~ collected are not sufficient to ensure to each copyist and examiner the minimum income mentioned in Rule 25 he may curtail the number. Such increase or decrease shall be subject to the approval of the District Judge or the Chief Court, as the case may be.

28. The granting of copies in all civil Courts, including those exercising Criminal powers, shall be governed by these rules, and there shall be only one establishment of copyists and examiners for both sides of the Court.

29. These rules apply mutatis mutandis to the copying establishment of the Chief Court, the powers conferred on Judges under the rules being exercised by the Registrar or such other responsible Officer as the Chief Judge may direct.

30. Nothing contained in these rules shall apply to printed copies or to copies which, under any provision of law or rule having the force of law, the Courts are required to grant free of cost. Copies which have to be granted free of cost shall be made by the regular establishment of the Courts.

Register of applications for Copies.

	1	Serial number.		
	2	Date of application.		
	3	Name of applicant.		
	4	Description of document of which copy is applied for.		
	5	Date or dates on which applicant was told to appear.		
	6	Date or dates on which applicant appeared.		
	7	Amount of first advance.		
	8	Date on which copying was stopped for want of funds.		
	9	Date on which further advance was made.		
	10	Amount of further advance.		
	11	Date on which copy was ready.		
	12	Cost of preparing copy.		
	13	Date of delivery or despatch by post to applicant.		
	14	Signature of applicant or despatching clerk.		
	15	Amount.	Unexpended Balance.	
	16	Date of deposit with Nazir.		
	17	By refund to applicant.	Date of Final Disposal	
	18	By credit to Government as lapsed.		

Receipt for copying fees.
---:::: @ ::::---

(To be produced at the time of appearing to take delivery of copy).

Name of applicant.

Description of document.

1	2	3	4	5	6	7
Dates of payments of advances.	Amount advanced from time to time.	Date on which the applicant is told to appear.	Initials of Examiner	Date on which the applicant appears.	Copying stopped for want of funds.	Balance returned.

Col 1. Date of each payment should be separately noted.

Col 2. Amount of each payment should be separately noted.

Col 3. Each date fixed for appearance should be noted.

Col 4. Each set of entries in Columns 1 to 3 should be initialled.

1592 9/5/11

G.R.S. 28.]

a.v

Cts. File No. 146-10

Serial No. 2.

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

(CS-)

, *the* 19

Date of issue 23-5-11.

Signed by Sm S. Srinivasaraja

READ-- Letter No 2681/172 dated the 9th December 1910 from the Registrar of the Chief Court of Mysore, forwarding for sanction a draft of the

~~ORDER THEREON.~~ ~~No.~~

revised rules relating to the grant of Copies.

Order thereon No. i-J 3244.

~~penalty~~

Govt sanction of the rules

over

SUBJECT.

GPB—10,000—19-4-10

~~proposed~~ They may be published in the Gazette. In Rule 25, the words "and an examiner (where necessary)" may be substituted for the word "and examiners", and at the end thereof may be added the words "and preference should be given to Candidates who are proficient in type-writing".

for Secy to Govt

15 May 11

SW 11/6/13

To The Registrar, Chief Comb

acd 22/5/11